

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANGEL HERNANDEZ,

Plaintiff,

-against-

9:04-CV-0552
(LEK/GHL)

DONALD SELSKY,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on January 18, 2006, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 23).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.¹

¹ The Court notes three minor errors, however, in the Report-Recommendation. First, the citation for the case of Straker v. Metro. Trans. Auth. is incorrectly provided as 331 F. Supp. 2d 91 (E.D.N.Y. 2004). Report-Rec. (Dkt. No. 23) at 2 n.3. The correct citation is **333 F. Supp. 2d 91 (E.D.N.Y. 2004)**. Second, the case of Melo v. Coombe, 97-CV-0204, 1998 WL 67667 (S.D.N.Y. Feb. 18, 1998) is cited in footnote 12. Report-Rec. (Dkt. No. 23) at 7 n.12. The correct caption for that case is **Melo v. Combes**. Lastly, the case of Vasquez v. Coughlin is mis-cited as 726 F. Supp. 2d 466 (S.D.N.Y. 1989) in footnote 23 of the Report-Recommendation. Report-Rec. (Dkt. No. 23)

Accordingly, it is hereby

ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

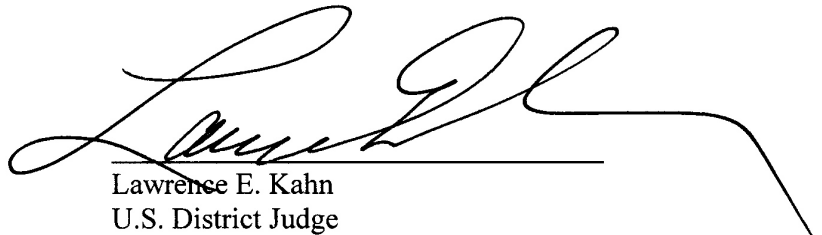
ORDERED, that Defendant's motion to dismiss (Dkt. No. 20) is **GRANTED**; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its **ENTIRETY**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: March 07, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge

at 13 n.23. The correct citation is **726 F. Supp. 466 (S.D.N.Y. 1989)**.